

[4910-15]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AWA-5]

RIN 2120-AE97

Proposed Establishment of Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of Cincinnati/Northern Kentucky International Airport Class C Airspace Area; Covington, Kentucky

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to establish a Class B airspace area at the Cincinnati/Northern Kentucky International Airport, and revoke the existing Class C airspace area. Specifically, the FAA is proposing to establish a Class B airspace area that would consist of airspace within a 25-mile radius of the Cincinnati/Northern Kentucky International Airport. The airspace would extend from the surface or higher up to and including 8,000 feet above mean sea level (MSL). The FAA is proposing this action to enhance safety, reduce the potential for midair collisions, and to better manage air traffic operations into, out of, and through the Cincinnati/Northern Kentucky area.

DATES: Comments must be received on or before April 13, 1998.

ADDRESSES: Comments on this NPRM should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Airspace Docket No. 93-AWA-5, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be also sent electronically to the following Internet address: 9-NPRM-CMTS@faa.dot.gov. Comments delivered must be marked Airspace Docket No. 93-AWA-5. The official docket may be examined in the Office of the Chief Counsel, Room 915G, weekdays, between 8:30 a.m. and 5:00 p.m., except on Federal holidays. An informal docket may also be examined during normal business hours at the Office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia Crawford, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the rulemaking process by submitting such written data, views, or arguments as they may desire. Comments on the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates.

Comments should identify the airspace docket number and should be submitted in triplicate to the Rules Docket address specified above. All comments received by the closing date for comments specified will be considered by the Administrator before acting on this proposed rulemaking. The proposals contained in this notice may be changed considering comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comment to Docket No. 93-AWA-5." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's webpage at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by mail by submitting a request to the Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591, or by calling 202-267-9677. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the FAA's Office of Rulemaking a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Background

The Class B airspace (formerly terminal control area (TCA)) area program was developed to reduce the potential for midair collision in the congested airspace surrounding airports with

high density air traffic by providing an area wherein all aircraft are subject to certain operating rules and equipment requirements.

The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increase the potential for midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier or military aircraft, or another GA aircraft. The basic causal factor common to these conflicts was the mix of aircraft operating under visual flight rules (VFR) and aircraft operating under instrument flight rules (IFR). Class B airspace areas provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of Class B airspace areas afford the greatest protection for the greatest number of people by giving air traffic control (ATC) increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft.

On May 21, 1970, the FAA published the Designation of Federal Airways, Controlled Airspace, and Reporting Points Final Rule (35 FR 7782). This rule provided for the establishment of TCA's. To date, the FAA has established a total of 29 Class B airspace areas. The FAA is proposing to take action to modify or implement the application of these proven control areas to

provide greater protection for air traffic in the airspace areas most commonly used by passenger-carrying aircraft.

The standard configuration of a Class B airspace area contains three concentric circles centered on the primary airport, extending to 10, 20, and 30 nautical miles (NM) respectively. The standard vertical limits of the Class B airspace area normally should not exceed 10,000 feet MSL, with the floor established at the surface in the inner area and at levels appropriate for the containment of operations in the outer areas. Variations of these criteria may be utilized contingent on the terrain, adjacent regulatory airspace, and factors unique to the terminal area.

Cincinnati/Northern Kentucky International Airport reported 5,044,813 and 5,780,241 enplaned passengers in calendar years (CY) 1991 and 1992. The enplaned passenger count has increased to 9,225,526 in CY 1996. Operations at that airport have increased from 297,869 and 304,214 in fiscal years (FY) 1991 and 1992 to 393,523 in FY 1996. Cincinnati/Northern Kentucky International Airport qualifies as a candidate for establishing Class B airspace based on the passenger enplanement and airport operations count.

The coordinates for this airspace docket are based on North American Datum 83. Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9E dated September 10, 1997, and

effective September 15, 1997, which is incorporated by reference in Title 14 of the Code of Federal Regulations (14 CFR) part 71. The Class B airspace area listed in this document would be published subsequently in the Order.

Related Rulemaking Actions

On June 21, 1988, the FAA published the Transponder with Automatic Altitude Reporting Capability Requirement Final Rule (53 FR 23356). This rule requires all aircraft to have an altitude encoding transponder when operating within 30 NM of any designated TCA primary airport, from the surface up to 10,000 feet MSL. This rule excluded those aircraft that were not originally certificated with an engine driven electrical system, (or those that have not subsequently been certified with such a system), balloons, or gliders.

On October 14, 1988, the FAA published the TCA Classification and TCA Pilot and Navigation Equipment Requirements Final Rule (53 FR 40318). This rule, in part, removed the different classifications of TCA's, and requires the pilot-in-command of a civil aircraft operating within a TCA to hold at least a private pilot certificate, except for a student pilot who has received certain documented training.

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65655). This rule discontinued the use of the term "Terminal Control Area" (TCA) and replaced it with the designation "Class B airspace area." This change in terminology is reflected in this NPRM.

Pre-NPRM Public Input

As announced in the Federal Register on July 23, 1992 (57 FR 32835), informal airspace meetings were held on September 3 and 4, 1992, in Ohio and Kentucky respectively. These meetings allowed the public an opportunity to preview and comment on the proposed design for the Cincinnati/Northern Kentucky International Airport Class B airspace area. Comments were received from owners and managers of the local GA airports, members of the aviation industry, fixed-base operators (FBO), and concerned airspace users. An Ad Hoc User Group Advisory Committee was established and submitted seven recommendations in conjunction with their Class B airspace design proposal.

All comments received during the informal airspace meetings and the subsequent comment period were considered and incorporated, in this NPRM. The following is an analysis of these comments.

Discussion of Comments

Several commenters recommended modifications to the northeast (NE) quadrant of the proposed Class B airspace to accommodate VFR aircraft operating to and from Blue Ash, Clermont County, and Hamilton-Fairfield Airports, without a Mode C transponder. Comments from the Experimental Aircraft Association (EAA) and Lebanon Air Service specifically recommended designating the floor of the Class B airspace in the vicinity of these aforementioned satellite airports at a minimum of 3,500

feet MSL. The reasoning for this recommendation is that a Mode C transponder would not be required because aircraft would be operating below and outside of the Class B airspace area. EAA stated that certain benefits would be derived because pilots would not be required to contact air traffic control (ATC) thus limiting frequency congestion. In addition, prominent landmarks could be utilized to navigate and a discrete code could be assigned to assist ATC with monitoring activity, if necessary.

The Ad Hoc Advisory Committee submitted a recommendation with emphasis on serving traffic operating to and from the satellite airports and expediting the flow of traffic within the lateral boundaries of the proposed Class B airspace area. In addition, the committee recommended that a satellite airport controller position, with a supporting data position, be added to the ATC facility.

The FAA agrees, in part, with these recommendations, the floors of the Cincinnati/Northern Kentucky International Airport Class B airspace area in the vicinity of Clermont County, Blue Ash, and Hamilton-Fairfield are proposed to be 6,000; 5,000; and 4,000 feet MSL, respectively. The FAA believes that designating the Class B airspace area floors at these altitudes would allow sufficient airspace for aircraft transitioning to and from the subject satellite airports.

Currently, air traffic regulations allow pilots to transition below the floor of the Class B airspace without contacting an ATC facility. Aircraft operating within a 30-mile radius of the Class B airspace primary airport are required to have the appropriate equipment as outlined in §91.215. Requests to operate without the §91.215 equipment are handled on a case-by-case basis, and must be made to the ATC facility having jurisdiction over the affected airspace.

The FAA has budgeted for an additional radar controller and flight data position at the Cincinnati/Northern Kentucky International Airport. The new positions will be added as a result of an increase in traffic, and are not related to the actions proposed in this NPRM. Efforts are ongoing to secure the necessary equipment to activate the positions in a timely manner. Once the equipment is available and the position certified operational, the Air Traffic Manager of the Cincinnati Airport Traffic Control Tower (ATCT) will determine how the new position(s) would best be utilized.

Several commenters objected to the lateral (25 NM radius) and vertical (8,000 feet MSL) limits of the proposed Class B airspace area. One commenter expressed concern that the proposed Cincinnati/Northern Kentucky International Airport Class B airspace area appears to be larger than other established Class B areas. One commenter recommended that the lateral boundaries of

the Cincinnati/Northern Kentucky International Airport Class B airspace be limited to a 20 NM radius.

Most of the comments received supported a proposed ceiling of 8,000 feet MSL.

A representative for Sporty's Shops recommended 6,000 feet MSL for the ceiling of the proposed Class B airspace area.

The Air Transport Association of America (ATA) objected to the proposed ceiling at 8,000 feet and recommended a ceiling of 10,000 feet MSL. The ATA suggested that by establishing the ceiling at 10,000 feet MSL, the potential for a disaster would be reduced because fewer aircraft would be operating within that airspace between 8,000 and 10,000 feet MSL. In addition, ATA voiced concern that aircraft flying over the ASR antenna, would not be seen by the controller for two or three sweeps of the antenna.

The proposed Cincinnati/Northern Kentucky International Airport Class B airspace area is unique with a site specific design to support Cincinnati/Northern Kentucky International Airport aircraft operations and to contain all published instrument approach procedures. The loss of a radar return as an aircraft passes over the radar antenna is a common occurrence in any terminal radar environment. Consequently, there are sufficient traffic management procedures in place to address these situations. The FAA believes that the proposed 8,000 feet

MSL ceiling and 25-nautical mile lateral boundary would be sufficient and not be over-restrictive.

Lunken Airport Advisory and Users' Committee and the Lunken Airport Action Group (LAAG) recommended a change in the vicinity of Lunken Airport, Area D east of the Cincinnati/Northern Kentucky International Airport. The committee suggested that the floor in Area D should be raised from 3,500 to 4,000 feet MSL to preserve 3,500 feet as a VFR altitude. The committee believes that this recommendation is plausible since Runways 09/27 at the Cincinnati/Northern Kentucky International Airport are seldom utilized for approaches, therefore, a lower floor is not supported.

The Flying Knights, located at Lunken Airport, submitted comments which parallel those of the Airport Advisory and Users Committee. Furthermore, the Knights commented that any lower altitudes would cause unnecessary congestion and noise disturbance to the surrounding residential area.

The FAA does not agree with these commenters. The base altitude in Area D east of the airport, at 3,500 feet MSL, would ensure that pilots executing the instrument landing system (ILS) approach procedures for Runways 09/27 remain within Class B airspace. Currently, Runways 09/27 are utilized less than the parallel north-south runways. However, traffic demands and

varying meteorological conditions necessitate the structure of Area D with a 3,500 foot MSL floor.

Sporty's Academy, Inc., conducts flight instruction in the vicinity of Clermont Airport. Less than 15 miles east of Clermont Airport is the western boundary of Buckeye Military Operations Area (MOA) (Restricted Area R-5503A was downgraded to Buckeye Military Operations Area (MOA) in February 1995). At the narrowest point, the "gap" between the Buckeye MOA and the eastern edge of the Class B airspace area would be approximately 10 NM. This commenter believes that aircraft transitioning north and south would have to circumnavigate the Class B airspace area east of the Cincinnati/Northern Kentucky International Airport. Consequently, these aircraft could be compressed between the Class B airspace area and the Buckeye MOA into an area of high density student flight training. Sporty's Academy, Inc., recommended that the FAA give serious consideration to widening that "gap".

Another commenter recommended that the Class B airspace area be limited to 15 NM east of the Cincinnati/Northern Kentucky International Airport.

The FAA encourages pilots to follow standard air traffic procedures and participate in, rather than circumnavigate Class B airspace areas. In addition, the FAA asserts that sufficient airspace exists for pilots to circumnavigate the proposed Class B

area, avoid the Buckeye MOA if active, and coexist with the student training activity if they chose not to navigate thru the proposed Class B airspace area.

Lane's Lebanon Air Service, Inc., suggested establishing an area around the Lebanon-Warren County Airport to accommodate gliders, towplanes, and other aircraft not equipped with Mode C transponders. This commenter emphasized that one of its main sources of revenue is generated from passenger rides in gliders. Several times a day, the commenter operates its gliders over Kings Island Amusement Park at an altitude of 6,200 feet MSL. It is Lebanon Air Service's opinion that the proposed Class B airspace area would have a negative impact on its business.

The FAA has determined that the implementation of the proposed Class B airspace area would have an insignificant or no impact on glider operations between the Lebanon-Warren County Airport and Kings Island Amusement Park because the operations would be conducted outside of the Class B airspace area.

The fixed based operator (FBO) at Hamilton-Fairfield Airport suggested a cutout north along the Great Miami River to exclude the airport from the Class B airspace. Implementing this proposal would be beneficial to the large number of experimental and antique aircraft based at that airport.

The FAA has proposed to designate the floors of the Class B airspace at 3,500-4,000 feet MSL in the vicinity of Hamilton-

Fairfield Airport. The airport would be below the floor of the class B airspace area which should provide airspace for egress/ingress.

The Ad Hoc Advisory Committee, Aircraft Owners and Pilots Association (AOPA), and Sporty's Shops recommended that the FAA relocate the Cincinnati very high frequency omnidirectional range tactical air navigation (VORTAC) to the airport property before the proposed Class B airspace is implemented. In these commenters' opinion, relocating the Cincinnati VORTAC would simplify the identification of the Class B airspace boundaries for transient and local pilots. In addition, the commenters recommended that the FAA install a Doppler radar antenna in conjunction with relocating the navigational aid (NAVAID).

Furthermore, AOPA recommended a test to determine the feasibility of relocating the Cincinnati VORTAC to the airport property.

The FAA appreciates these comments; however, the FAA has determined that measures such as relocating the NAVAID are not necessary or practicable. Additionally, the FAA has installed Doppler Radar System at the CVG.

During the preliminary stages of planning, the FAA attempted to define as many boundaries of the Class B airspace area by prominent landmarks as feasible (e.g. aligning boundaries with major roads, rivers, or powerlines). In the absence of the

Cincinnati VORTAC, these geographic landmarks can be utilized to assist pilots with identifying the lateral boundaries of the Class B airspace area, and assisted by normal navigating procedures.

Several rotorcraft operators suggested that the FAA implement a "rotorcraft only" VFR corridor in the Ohio River Valley north of the Cincinnati/Northern Kentucky International Airport. The corridor's ceiling would be 900 feet MSL.

EAA Chapter 174 recommended a VFR corridor northwest of the Class B airspace area, to include Cincinnati West and Miamitown Airports. The EAA proposed establishing the ceiling of this corridor below 3,000 feet MSL, and to allow aircraft to operate within the corridor without a Mode C transponder.

The FAA does not agree with these suggestions because the establishment of a VFR corridor could interfere with safe and efficient operations in the Class B airspace area. The establishment of an uncontrolled VFR corridor for nonparticipating rotorcraft north of the airport, under the final approach courses for Runways 18L/18R and the departure paths for Runways 36L/36R, would impede operations. Arriving and departing turbojet aircraft cross this area at very low altitudes. Consequently, the incorporation of a VFR rotorcraft corridor could result in unsafe conditions as well as difficulties with wake turbulence.

Currently, there is an established letter of agreement between Cincinnati/Northern Kentucky International Airport and local helicopter operators for controlled routes to and from the airport. If the need arises, the facility manager will, as necessary, work with other airspace users to develop or modify the appropriate procedural agreements.

The Proposal

The FAA proposes to amend 14 CFR part 71 by establishing a Class B airspace area at the Cincinnati/Northern Kentucky International Airport, and by revoking the Cincinnati/Northern Kentucky International Airport Class C airspace area. The proposal to establish this Class B airspace area is based on aviation safety and operational efficiencies.

The proposed establishment, depicted in the attached chart, considers flight operations and terrain. Specifically, the areas would be established as follows:

Area A. Airspace within a 5-mile radius of the primary airport, Cincinnati/Northern Kentucky International Airport, extending upward from the surface to and including 8,000 feet MSL. This airspace is necessary to contain large turbojet aircraft within the limits of the Class B airspace area while operating to and from the primary airport.

Area B. Airspace between the 5- and 10-mile radius of the primary airport extending upward from 2,100 feet MSL to and

including 8,000 feet MSL. This airspace is necessary to support the approach procedures for aircraft transitioning to the final approach course for the Cincinnati/Northern Kentucky International Airport.

Area C. Airspace between the 10- and 15-mile arcs, north and south of the primary airport extending upward from 3,000 feet MSL to and including 8,000 feet MSL. This area is necessary to provide sufficient airspace for sequencing and vectoring arriving and departing aircraft in close proximity to the primary airport.

Area D. Airspace between the 10- and 15-mile arcs east and west from the primary airport, and airspace between the 15- and 20-mile arcs north and south from the primary airport, extending upward from 3,500 feet MSL to and including 8,000 feet MSL. These airspace areas are necessary for sequencing and vectoring aircraft and to ensure that operations are contained within Class B airspace.

Area E. This airspace provides a controlled environment for aircraft arriving and departing the Class B airspace area. Area E consists of designated airspace between the 20- and 25-mile arc north and south of the primary airport extending upward from 4,000 feet MSL to and including 8,000 feet MSL.

Area F. Airspace encompasses an area from northeast through southeast, and southwest through northwest of the Class B airspace area, extending upward from 5,000 feet MSL to and

including 8,000 feet MSL. Area F is necessary to ensure that aircraft have sufficient airspace to maneuver within the Class B airspace area and a controlled environment while preparing for the approach or executing departure procedures. Also, this airspace is designed to allow nonparticipating aircraft sufficient airspace to conduct VFR operations below the vertical limits of the Class B airspace area while transitioning to/from secondary satellite airports

Area G. This airspace would be established east of the primary airport extending from the powerlines eastward to the 25-mile arc from the primary airport, extending upward from 6,000 feet MSL to and including 8,000 feet MSL. This area is necessary to allow adequate airspace to contain aircraft in a controlled environment when transitioning between the enroute and terminal phase of flight.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of

Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this Notice of Proposed Rulemaking (NPRM): (1) would generate benefits that justify its minimal costs and is not "a significant regulatory action" as defined in the Executive Order; (2) is not significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; (4) would not constitute a barrier to international trade; and (5) would not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply. These analyses are summarized here in the preamble and the full Regulatory Evaluation is in the docket.

This NPRM would establish the Cincinnati Class B airspace area at Cincinnati/Northern Kentucky International Airport and revoke the Cincinnati Class C airspace area at Cincinnati/Northern Kentucky International Airport (CVG). The Cincinnati Class B airspace area would consist of the airspace up to and including 8,000 feet mean sea level (MSL) from the surface or higher (various sector floor levels) within a 25-mile radius of the Cincinnati/Northern Kentucky International Airport. The establishment of a Class B airspace area at the CVG would impose more stringent operating rules and equipment requirements on GA

operators. Some of these Class B airspace requirements would include an operating two-way radio and a transponder with automatic altitude-reporting capability. Additional equipment requirements for IFR operations include an operable VOR or tactical air navigation (TACAN) receiver.

The NPRM would provide benefits to participating and non-participating operators primarily in the form of enhanced safety as well as to the aviation community and the flying public by increasing air traffic control's (ATC's) authority and capability to monitor and to separate aircraft in the terminal airspace around CVG.

The FAA has determined that this NPRM would impose minimal, if any, additional cost on the agency or aircraft operators. The FAA has determined this NPRM would impose costs of approximately \$74,000 (1996 dollars) to the agency for the revision of aeronautical charts for CVG.

The proposed rule would impose minimal, if any, equipment costs and only negligible circumnavigation costs on aircraft operators. This NPRM would require changes to the plates used to print those charts on which the proposed Class B airspace would be depicted. Printing the revised aeronautical charts to reflect the proposed change of the airspace around Cincinnati/Northern Kentucky would be accomplished during regularly scheduled chart printings. The National Oceanic Service (NOS), the agency

responsible for the publication and distribution of aeronautical charts, estimates that the total one-time cost of these changes would be \$74,000 (1996 dollars). The proposed rule would not impose any additional administrative costs on the FAA for either personnel or equipment. The additional operations workload generated by the proposed rule would be absorbed by current personnel and equipment resources at CVG. The proposed rule would require neither any additional air traffic controllers nor any additional radar control or hand-off positions.

In view of the minimal cost of compliance, enhanced safety and operational efficiency, the FAA has determined that the proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities."

Only those unscheduled aircraft operators without the capability to operate under IFR requirements would be potentially affected by the proposed rule. However, the FAA has determined the vast majority of unscheduled operators are already equipped to operate under IFR requirements. This is because such

operators routinely fly into airspace where radar approach control services have been established.

The FAA has also determined that other local airspace users, such as balloonists, parachutists, ultralight and sailplane owners, and fixed base operators, would not have to significantly circumnavigate around the proposed Class B airspace. The FAA has determined that Cincinnati Approach Control can accommodate these users on a case-by-case basis and use letters of agreement and cutouts, where advisable, to ensure as little adverse impact as possible on these users. Therefore, the FAA has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. The FAA has determined that the proposed rule would neither have an effect on the sale of foreign aviation products or services in the United States, nor would it have an effect on the sale of U.S. products or services in foreign countries. This is because the proposed rule would neither impose costs on aircraft operators nor aircraft manufacturers (U.S. or foreign).

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of \$100 million or more adjusted annually for inflation in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. Section 204(a) of the ACT, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon state, local, and tribal governments, in the aggregate, (of \$100 million adjusted annually for inflation) in any one year. Section 203 of the ACT, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This NPRM does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform ACT of 1995 do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are no requirements for information collection associated with this rule.

Conclusion

The FAA has determined that this regulation: (1) is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Also, for the reasons stated under the headings "Trade Impact Statement" and Regulatory Flexibility Determination," the FAA certifies that the NPRM will not have a significant economic impact on a substantial number of small entities. A copy of the full regulatory evaluation is filed in the docket and may also be obtained by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by Reference, Navigation (Air).

The Proposed Amendment

The Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71 - DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 15, 1997, is amended as follows:

Paragraph 3000--Subpart B-Class B Airspace

* * * * *

ASO KY B Cincinnati/Northern Kentucky International Airport, KY
[NEW]

Cincinnati/Northern Kentucky International Airport (Primary

Airport)

(lat. $39^{\circ}02'43''\text{N.}$, long. $84^{\circ}39'43''\text{W.}$)

Cincinnati VORTAC

(lat. $39^{\circ}00'57''\text{N.}$, long. $84^{\circ}42'12''\text{W.}$)

Boundaries.

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a radius of 5 miles from the Cincinnati/Northern Kentucky International Airport.

Area B. That airspace extending upward from 2,100 feet MSL to and including 8,000 feet MSL beginning at the 5-mile arc of the airport and the Kentucky bank of the Ohio River northeast of the airport; northeast along the Kentucky bank of the Ohio River to the 10-mile arc of the airport; thence clockwise to the Kentucky bank of the Ohio River southwest of the airport, north along the Kentucky bank of the Ohio River to the Indiana-Ohio State line (long. $84^{\circ}49'00''\text{W.}$); thence north to Interstate 275; follow Interstate 275 northeast to Interstate 74; thence east on Interstate 74 to CVG VORTAC 040° radial; thence southwest on the CVG VORTAC 040° radial to the 5-mile arc of the airport; thence clockwise on the 5-mile arc to the point of beginning.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL beginning at the intersection of Interstate 275 and Indiana-Ohio State line (long. $84^{\circ}49'00''W$); thence north on the Indiana Ohio State line, to intersect the 15-mile arc of the airport; thence clockwise on the 15-mile arc to long. $84^{\circ}30'00''W$; thence south on long. $84^{\circ}30'00''W$ to the 10-mile arc of the airport; thence clockwise on the 10-mile arc to the Kentucky bank of the Ohio River; proceed along the Kentucky bank of the Ohio River west to the 5-mile arc of the airport; thence counterclockwise along the 5-mile arc to the CVG VORTAC 040° radial; thence northeast along the CVG VORTAC 040° radial to Interstate 74; proceed west along Interstate 74 to Interstate 275; thence west along Interstate 275 to the point of beginning. That airspace beginning at the 10-mile arc of the airport and long. $84^{\circ}30'00''W$; thence south along long. $84^{\circ}30'00''W$ to the 15-mile arc of the airport; thence clockwise along the 15-mile arc to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to the 10-mile arc of the airport; thence counterclockwise along the 10-mile arc to the point of beginning.

Area D. That airspace extending upward from 3,500 feet MSL to and including 8,000 feet MSL beginning at lat. $39^{\circ}09'21''N$ and the 10-mile arc northeast of the airport; thence east to the 15-mile arc of the airport; thence clockwise on the 15-mile arc to lat.

38°56'04"N; thence west on lat. 38°56'04"N to intersect the 10-mile arc of the airport; thence counterclockwise along the 10-mile arc to the point of beginning. That airspace beginning at the intersection of the Kentucky bank of the Ohio River and lat. 38°56'04"N; thence west along lat. 38°56'04"N to the 15-mile arc of the airport; clockwise on the 15-mile arc to lat. 39°09'21"N; thence east to Indiana-Ohio State line (long. 84°49'00"W); thence South along the Indiana-Ohio State line to the Kentucky bank of the Ohio River; thence south along the Kentucky bank of the Ohio River to point of beginning. That airspace beginning at the intersection of the 15-mile arc of the airport and the Indiana-Ohio State line (long. 84°49'00"W) proceed north to the 20-mile arc of the airport; thence clockwise along the arc to long. 84°30'00"W; thence south to the 15-mile arc of the airport; thence counterclockwise along the 15-mile arc to point of beginning. That airspace beginning at the intersection of the 15-mile arc southeast of the airport and long. 84°30'00"W; thence south to the 20-mile arc of the airport clockwise to long. 84°49'00"W; thence north to the Kentucky bank of the Ohio River; proceeding along the Kentucky bank of the Ohio River to the 15-mile arc of the airport; thence counterclockwise on the 15-mile arc to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to including 8,000 feet MSL beginning at the 20-mile arc of the airport and Indiana-Ohio State line (long. $84^{\circ}49'00''\text{W}$); thence north to the 25-mile arc of the airport; thence clockwise to long. $84^{\circ}30'00''\text{W}$; thence south to the 20-mile arc of the airport; thence counterclockwise on the 20-mile arc to the point of beginning. That airspace beginning at the 20-mile arc and long. $84^{\circ}30'00''\text{W}$ south of the airport; thence south along the long $84^{\circ}30'00''\text{W}$ to the 25-mile arc of the airport; thence clockwise along the 25-mile arc to long. $84^{\circ}49'00''\text{W}$; thence north along long. $84^{\circ}49'00''\text{W}$ to the 20-mile arc of the airport; thence counterclockwise along the 20-mile arc to the point of beginning.

Area F. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL beginning at the 25-mile arc north of the airport and long. $84^{\circ}30'00''\text{W}$; thence clockwise on the 25-mile arc of the airport to Route 28; thence southwest 3-miles to the power line; thence south along the power line to the Ohio River; thence south-southeast along the Ohio bank of the Ohio River to the 25-mile arc of the airport southeast; thence clockwise on the 25-mile arc of the airport to long. $84^{\circ}30'00''\text{W}$ south of the airport; thence north to the 10-mile arc of the airport; thence east along lat. $38^{\circ}56'04''\text{N}$ to the 15-mile arc of the airport; thence north along the 15-mile arc of the airport to

lat. 39°09'21"N; thence west to the 10-mile arc of the airport and long. 84°30'00"W; thence north to the point of beginning. That airspace beginning at the 25-mile arc of the airport and the Indiana-Ohio State line (long. 84°49'00"W) counterclockwise to long. 84°49'00"W south of the airport; thence north to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to lat. 38°56'04"N; thence west to the 15-mile arc of the airport; clockwise on the 15-mile arc of the airport to lat. 39°09'21"N; thence east to the Indiana-Ohio State line; thence north to the point of beginning.

Area G. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL beginning at the intersection of Route 28 and the 25-mile arc of the airport; thence southeast 3 miles to powerline; thence south along the powerline to the Ohio River; thence south-southeast along the Ohio bank of the Ohio River to the 25-mile arc southeast of the airport; thence counterclockwise along the 25-mile arc of the airport to the point of beginning.

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Paragraph 4000--Subpart C-Class C Airspace

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ASO KY Cincinnati/Northern Kentucky

International Airport, KY [Removed]

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Issued in Washington, DC on February 4, 1998.

/s/ Reginald C. Matthews
Acting Program Director for Air Traffic
Airspace Management